

**CITY OF KANKAKEE
CITY COUNCIL MEETING
SUMMARY OF MINUTES
MONDAY, MAY 20th, 2019
7:00 P.M.**

APPOINTMENT OF MAYOR PRO TEM

ALD BROWN: I need a motion to appoint me as Mayor Pro Tem.

ALD SWANSON: I so move.

ALD OSENGA: Second.

ALD BROWN: Motioned by Alderwoman Swanson and Seconded by Alderman Osenga. Roll Call

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM: I would like to call the meeting to order. We will start with a prayer by Mr. Jack Hackard and go on to the Pledge of Allegiance by the City Council.

PUBLIC COMMENTS

CAROL DUFFIELD: My comments are direct towards the Mayor Pro Tem but it is about Code. I attended the Code meeting chaired by and Alderwoman. I been to Code meetings before and I have never had a 5 minutes limit. My Biggest concern is the passing of the contract and it being written they are certified. I understand the test is not difficult. If they can't pass the test within a year, they don't need to be in that department. Everyone should take the test not just certain people and there should be transparency. The chairperson was texting throughout the entire meeting and that was totally unprofessional. She was not courteous at all. When discussing about the Code bills being paid it got ugly. They did not want to show us the bills as taxpayers and citizens. As it pertains to my neighbor, Mike Hoffman agreed that it is not a bump out it is a room addition. It was agreed that a mistake was made there. It is an eye sore.

My lawn service has to go through there sideways. My neighbor is 18 inches within my property line. This is a bay window and I was told he was to stop work on it; he never did. I reported it and they never did anything. I have had enough and need explanations.

GINA PHILLIPS:

I live at 451 East Water, I am here out of frustration but while I am here I want to say thank you to Alderman O'Brien and Alderman Crawford. You guys have tried to help with our issue even though it is not resolved. I also want to thank you for the property taxes relief it was really nice to see. I am really frustrated with Building and Code. My husband and I applied for a permit to put a temporary above ground pool in our back yard. The excuse we were given is that our property is within the floodway. There is nothing in the City's Ordinance that prohibits this. We have been told that no new development can be in the floodway. How can the city execute a river walk plan if no development can be in the floodway? Does the rule only apply to private citizens? Will it be completely overlooked when it is time to do the river walk? I hope that those projects are met with the same scrutiny. It has become clear to us that there is nothing any of you can do and we will have to go to court to resolve this. Attorneys have assured us that there is nothing in the ordinance and we should not have a problem when we go to court. Regardless, I am asking you all to address the lack of professionalism and consistency in the Code Department. We have gone back and forth with Teska, The Code Official does not respond to emails or return calls. She refuses to meet with my husband to discuss our application and she sent us a denial letter with someone else's name on it. The letter had Steve Arseneau's name on it, it was written April 26th when he was on vacation, he did not return he resigned. My husband and I spoke with the Code committee last Thursday for the situation to be addressed. The Code Official displayed childish behavior, as the leader of the department she should be mature and more professional than that. I also feel that it is important the Inspectors get the certification.

ADAM PHILLIPS:

I am from 451 East Water Street as well. I thank David Crawford and Mike O'Brien for their professional help with our ongoing issue with Building & Code Department and Code Official. We submitted our application to put an above ground pool in our backyard April 25th and it was

denied. If you look at packet I handed out you will see the denial letter. Steve Arseneau stated that he did not send this letter or review the permit. His vacation began April 26th. He also stated the day that I submitted the permit he was instructed to deny it, go check to see if any work is being done and if so put a stop order on the front door. Page 2 is a letter from Great Escape stating that the pool is not a permanent structure not anchored to the ground and can be removed in 2-3 hours. Page 3 is from the City of Kankakee Ordinance book defining a pool...Page 4 is also from the City Ordinance book also defines pools. Page 5 is from the City Ordinance book pertaining to all zoning where pools are permitted. Enclosed is a picture of the pool and the flood plain Ordinance adopted in 2003 which does not mention above ground swimming pools at all. I have called seven times and left voicemails. I have yet to receive a returned call. On April 30th, I went to the Code & Building Department and I was told by the Permits Clerk that the Code Official does not meet with walk ins....I have done everything I can to meet and go over the ordinances. It has become clear that this is personal. Instead of working with me, this department prefers that this be settled in front of a judge. My neighbor has had an above ground pool over ten years....I can email the FOIA's...

PATTY CAUOLE:

I am here to complain about the breeding of Pit Bulls on Station Street...third block west of the railroad station. It is a busy street, people walk up and down the street and I am one of them. The last time I passed there 3 adult male/female dogs and 2 pit bulls running around loose. There is no fence around the property. If one of the dogs break loose and injure someone, I think Kankakee will be in big financial trouble.

PAT WILDER:

When you open a business in 80 percent of the Country you have a Business License with insurance, state license for some, fire inspection or safety device and Sales Tax ID. I don't understand why it is not happening in this town. There is a job that the Clerk is supposed to do... She is supposed to check those business licenses to make sure they are done at her salary. For several weeks, I could not get a hold of her to get the answer for 15 businesses in this town to see if they had business licenses or to see if they have ever applied for one. It took 2-3 weeks because she was never available. Then I am looking at all the fires that has happened in the last 12-48 months and the cost is about

\$1 million that the city has paid to clean up buildings that have caught on fire. Every one of those buildings except for one had no license...as it was told to me by the FOIA girl, the Clerk never shows up for work. As a result, the buildings and residences has resulted in a huge cost. Read it in the local paper. Then you want to dumb down Code by removing certification requirement which is supposed to reinforce this. Do you realize the exposure you are putting yourself in? You are not checking building licenses, not checking insurance, not letting the fire department do their job. People are going to die and you don't care. If you don't get sued, I am amazed... 20 percent of businesses were not done in 2015.

ROBERT ELLINGTON SNIPES: As you know by now we are at the Supreme Court...they have taken my petition so I guess there is an argument to be made. It disturbs me that if we are supposed to have a permit for a tent...for a commercial tent it is \$25.00 but the city has charged me \$249,000.00 ...they City put it in at \$500.00 per day for 199 days. Under the Constitution of the State...in the City of Chicago the most charged is \$2000.00 but I have been charged \$249,000.00....

TIM NELLS: I am here on a follow up...Road. There is a couple that has been out there to see the damage that is done with the drainage problem. We still continue to have water in our back yards. It is affecting the resident's septic out there and leaking into crawl spaces. Our property is County but the property I am talking about is behind us and it is City. What is going to go on with that? Is there something we have to do or do we have to take it to Court? I have been here since 2017, I have plenty of pictures and I have recent pictures on my phone. I have a family of four and we could not do laundry for 2 weeks because our septic tank is backed up. Legally what can you do?

MAYOR PRO TEM: We will get you a follow up. Moving on to Roll Call...

AMY MARQUEZ: **PRESENT:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
ABSENT: Curtis
(13) Present (1) Absent

MAYOR PRO TEM: Thank you. Department Heads.

AMY MARQUEZ:

PRESENT: Kosman, Schuldt, Kubal, McGrath, Schiel, Nelson, Bertrand, Schmitz, Ellexson, Hoffman, Thank you.

MINUTES

MAYOR PRO TEM:

There are no minutes. They will be provided at the next meeting. There are no petitions. Alderman Tall?

ALD TALL:

Can you explain why we have no minutes?

MAYOR PRO TEM:

I can't explain that...I will try to have that answer for you but I don't have it right now, okay. Moving on to Communications, I would like to combine 8A-8F

COMMUNICATIONS

ITEM 8A – 8F:

8A) Stacy Lopez is requesting a noise permit at 246 South Third Ave to host a “Graduation Party” on Saturday, May 25th, 2019 May 25th, from 4:00 P. M. until 11:30 P. M.

8B) Five Star Wings and More, LLC, is requesting Street Closure of the Alley between Harrison Avenue and Chicago Avenue off of East Court Street to Host A “Customer Appreciation Day” on Saturday, June 1st, 2019 from 10:00 A. M. until 6:00 P. M.

8C) Vernon Wellness Foundation is requesting a noise permit at the Lincoln Cultural Center, 240 Warren Avenue to host the “Park and Blues Rib Festival” On Friday, June 14th and Saturday June 15th, 2019, from 12:00 P. M. until 10:00 P. M.

8D) The Juneteenth Celebration Community Council is requesting permission to host the “2019 Juneteenth Celebration Parade” on Saturday, June 22nd, 2019, from 10:00 A. M. until 12:00 P. M.

8E) James Choi of Boost Mobile is requesting permission to host a “Sidewalk Sale” at 1650 East Court on Tuesday, July 2nd through Thursday, July 4th, 2019, from 10:00 A. M. until 6:00 P.M.

8F) Sammy Odeneal is requesting Street Closure of the 100 Block of East Avenue from North Schuyler and East Willow one half Block to the Alley to host the “Neighborhood Community Festival” on Saturday, July 6th, 2019, from 11:00 A. M. until 8:00 P. M.

MAYOR PRO TEM: Motion to approve...

ALD TALL: So move.

ALD OSENGA: Second.

MAYOR PRO TEM: Motioned by Alderman Tall and Seconded by Alderman Osenga. Any discussion? All in favor

COUNCIL: Aye.

ALD TALL: 8A needs to go back to the Clerk’s office due to the time...

ALD SWANSON: The noise ordinance can’t go past 10:00 P.M. so that should not be in here. The Clerk should have brought it to the attention of the person requesting this. It can be amended and the person notified.

MAYOR PRO TEM: Motion to amend...

ALD TALL: Motion to approve with amendment of the time for 8A

ALD OSENGA: Second.

MAYOR PRO TEM: Motioned by Alderman Tall and Seconded by Alderman Osenga. Any discussion? All in favor

COUNCIL: Aye.

MAYOR PRO TEM: Motion approved. Moving on to Standing Committee Reports.

STANDING COMMITTEES

ITEM 9A: Ordinance-Alderman Tall. The meeting was held on Tuesday, April 23, 2019. We discussed... reducing the number of members on the committee to 9...and there were other changes address. Mike Hoffman: There are other changes that stream lined verifying the administration

section of the zoning ordinance....language...specifically updating fees that had not been updated since 1995..
Alderman Tall: The other issue is the cancellation of the next meeting on May 28th...(inaudible).

ITEM 9B:

Ordinance-Alderman Brown. The meeting was held on Tuesday, March 7th, 2019...highlights include: Paying the Bills for April...we had the bill for \$52,000.00 that came through. Police OT is good. We will need to purchase 75 new radios that has to be change by February...we have it as an action item. On the Fire side the bills are normal, the fire on Grinnell Road reflects OT and we will have to go out for bid for ambulance rental.

MAYOR PRO TEM:

Thank you. Moving on to Report of Officers.

REPORT OF OFFICERS

ALD FAFORD:

I move that we approve the report of officers, place the money in the in the proper accounts and pay the bills in the correct amount of \$543,980.91

ALD LEWIS:

Second the motion.

MAYOR PRO TEM:

Motion made by Alderman Faford and Seconded by Alderwoman Lewis. Any discussion?

ALD TETTER:

Check # 74911?

ELIZABETH KUBAL:

That is for equipment maintenance for the Fire Department.

ALD OSENGA:

Check #74937 for Odelson & Sterk...What time frame is that for?

ELIZABETH KUBAL:

It's for the month of March.

ALD OSENGA:

One month?

ELIZABETH KUBAL:

Yes.

ALD CRAWFORD:

Do we have a couple more months coming for Attorneys?

ELIZABETH KUBAL:

Just April.

MAYOR PRO TEM:

Roll Call...

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall (abstain from check #74938), Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM: We have no Unfinished Business. Moving on to Item 12 New Business

NEW BUSINESS

ITEM 12A: Ordinance declaring certain property surplus of the City of Kankakee-Building and Code Enforcement and authorize the sale thereof (*1st & 2nd Reading*).

MAYOR PRO TEM: May I have a motion to suspend the rules that interfere with the passing of the Ordinances?

ALD TETTER: I so move.

ALD SWANSON: Second.

MAYOR PRO TEM: Motioned by Alderman Tetter and Seconded by Alderwoman Swanson. Roll Call.

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM: Motion carries. May I have a motion to place the Ordinance on final passage?

ALD TETTER: I so move.

ALD SWANSON: Second.

MAYOR PRO TEM: Motioned by Alderman Tetter and Seconded by Alderwoman Swanson. Roll Call.

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM: Motion carries. Item 12B...we have three appointments.

ITEM 12B: Appointments
1. Bruce Conway – Library Board
2. Patricia Santoyo-Marin – Library Board
3. Gayle Schuldt – Library Board

MAYOR PRO TEM: May I have a motion to accept the appointments?

ALD CRAWFORD: I so move.

ALD OSENGA: Second.

MAYOR PRO TEM: Motioned by Alderman Crawford and Seconded by Alderman Osenga. Roll Call.

AMY MARQUEZ: **AYES:** Tetter, Brown,

ALD COBBS: Patricia's name is not spelled correctly. It's Patricia Santoyo-Marin.

MAYOR PRO TEM: We will make that note.

AMY MARQUEZ: **AYES:** Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM: Motion passes. Congratulations! Moving on to Item 13.

MOTIONS AND RESOLUTIONS

ITEM 13A: Resolution approving a memorandum of understanding with Kankakee Valley Symphony Orchestra Association for Independence.

ALD O'BRIEN: This was brought up at the budget meeting last week after the Administration had discussions about renegotiating the arrangements. Can someone explain the difference between this year and past years?

ELIZABETH KUBAL: Basically, the contract that ended was a 3-year contract. The fireworks were \$10,000.00 for 17 mins of fireworks. When we called to see about new fireworks, we were told to have them on July 4th would be a minimum of

\$20,000.00. They came up with a laser show for the KCC campus which is a little more.

ALD O'BRIEN:

Is this a 1-year contract?

ELIZABETH KUBAL:

I can't speak to that.

ALD SWANSON:

A laser show...not fireworks? I have a problem with that.

ALD TETTER:

I'm supporting...Fireworks are a liability due to explosives. Pets get extremely excited and unsettled around loud noises. The laser show is actually cutting-edge technology. If you have never seen it, I encourage all of you to take a look at it. Its much safer and more creative.

MAYOR PRO TEM:

May I have a motion to approve the Memorandum of Understanding?

ALD MALONE MARSHALL:

So move.

ALD PRUDE:

Second.

MAYOR PRO TEM:

Motioned by Alderwoman Malone Marshall and Seconded by Alderman Prude.

ALD CRAWFORD:

There is a terms and conditions in there. It is a 1-year contract.

MAYOR PRO TEM:

Thank you. Roll Call.

AMY MARQUEZ:

AYES: Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

MAYOR PRO TEM:

Motion carries. Moving on to Item B.

ITEM 13B:

Resolution approving a Contract with Kankakee Valley Symphony Orchestra Association for Independence.

MAYOR PRO TEM:

May I have a motion to approve the Contract?

ALD MALONE MARSHALL:

So move.

ALD PRUDE:

Second.

MAYOR PRO TEM: Motioned by Alderwoman Malone Marshall and Seconded by Alderman Prude.

MAYOR PRO TEM: Roll Call.

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Osenga, O'Brien, Gall, Malone Marshall, Prude
NAYS: Swanson, Crawford
(11) Ayes (2) Nays

MAYOR PRO TEM: Motion carries. We will need to go into Executive Session.

MIKE MCGRATH: We will not need to go into Executive Session, the contract has not been ratified by the Union Fraternal Order of Police Local #102 yet.

ALD CRAWFORD: I would still like to make a motion to go into Executive Session regarding personnel.

ALD TALL: I second the motion.

MAYOR PRO TEM: We have a motion and a second to go into Executive Session to discuss personnel. Roll Call

AMY MARQUEZ: **AYES:** Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall
NAYS: Tetter, Brown, Malone Marshall
ABSTAIN: Cobbs, Lewis, Prude
(7) Ayes (3) Nays (3) Abstentions

EXECUTIVE SESSION

MAYOR PRO TEM: Motion carries. We are now in Executive Session.
Roll Call

AMY MARQUEZ: **PRESENT:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
ABSENT: Curtis
(13) Present (0) Absent

MAYOR PRO TEM: Department Heads.

AMY MARQUEZ: **PRESENT:** Kubal, McGrath, Schiel, Nelson, Schmitz, Hoffman, Ellexson. Thank you.

MAYOR PRO TEM: Motion to leave Executive Session and Return to Open Session...

ALD TETTER: So move.

ALD MALONE MARSHALL: Second.

MAYOR PRO TEM: Motioned by Alderman Tetter and Seconded by Alderwoman Malone Marshall. Roll Call

AMY MARQUEZ: **AYES:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
(13) Ayes (0) Nays

RETURN TO OPEN SESSION

MAYOR PRO TEM: Motion Carries. We are now back in Open Session. Roll Call

AMY MARQUEZ: **PRESENT:** Tetter, Brown, Cobbs, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Prude
ABSENT: Curtis
(13) Present (1) Absent

MAYOR PRO TEM: There is no action taken from Executive Session. Moving on to Alderman Comments.

ALDERMAN COMMENTS

ALDERMEN & ALDERWOMEN: There will be a special Code & Building Safety Meeting on May 23rd at 5:30 P.M. it is the exact same time as Economic Development. We will proceed with both Meetings and come together afterwards. We have an issue we need to discuss that will be on both agendas. Tomorrow I will be submitting to the City and the Public that there will be a joint meeting between the two departments Economic Development and Code. In that particular meeting there will be a need for Executive Session for information purposes only.

KRIS SCHMITZ: The Mayor asked me to give an update on 480 South Roosevelt. We have a demolition order that was entered on May 16th.... they will be taking it down on the 31st day.

ALD O'BRIEN: I want to address the Phillips request for a pool. We talked about this in Code and I want to talk about this here for the record. The flood plain ordinance prohibits development within the flood plain. The reading of that should be ...this is not development it is a temporary above ground swimming pool in and out seasonally. It is not development and should be allowed. This is important to know and the City should allow the permit.

ALD CRAWFORD: I also agree with what Mike said. We both read the ordinance and should be allowed.

MAYOR PRO TEM: Noted for the record.

ALD SWANSON: I agree with both Alderman and something needs to be done about it. Making our citizens unhappy over something that is unjust needs to be rectified as soon as possible.

MAYOR PRO TEM: Noted for the record. Any other comments? Thank you for being patient with me. I want my wife Minnie to stand...

ADJOURNMENT

MAYOR PRO TEM: May I have a motion to adjourn?

ALD CRAWFORD: So move.

ALD SWANSON: Second.

MAYOR PRO TEM: Motioned by Alderman Crawford. Seconded by Alderwoman Swanson. All in favor aye?

COUNCIL: Aye.

MAYOR PRO TEM: Opposed same sign. We are adjourned.